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BRECKINRIDGE AND LANE CAMPAIGN DOCUMENTS, No. 2.

MINORITY REPORT

OF

MR. STEVENS,

DELEGATE FROM OREGON,

SHOWING THE GROUNDS UPON WHICH

THE REGULAR SOUTHERN DELEGATION

WERE ENTITLED TO

SEATS IN THE CONVENTION AT THE FRONT STREET THEATRE, BALTIMORE.

MR. LEACH'S PROTEST

AGAINST THE EXCLUSION OF THEIR DELEGATES.

WASHINGTON CITY:
ISSUED BY THE NATIONAL DEMOCRATIC EXECUTIVE COMMITTEE.
1860.

MINORITY REPORT.

MR. STEVENS, of Oregon—I rise, Mr. President, to present the report of a minority of the Committee on Credentials, and I will proceed to read it.

THE MINORITY REPORT.

To the President of the Democratic National Convention:

Sir: We, the undersigned, members of the Committee on Credentials, feel constrained to dissent from many of the views and a large portion of the action of the majority of the committee in respect to the rights of delegates to seats referred to them by the Convention, and to respectfully recommend the adoption of the following resolutions:

1. *Resolved*, B. F. Hallett is entitled to a seat in this Convention, as a delegate from the 5th Congressional District of the State of Massachusetts.

2. *Resolved*, That Johnson B. Gardee is entitled to a seat in this Convention as a delegate from the 8th Congressional District of the State of Missouri.

3. *Resolved*, That James A. Bayard and William G. Whiteley are entitled to seats in this Convention as delegates from the State of Delaware.

4. *Resolved*, That the delegation headed by R. W. Johnson are entitled to seats in this Convention as delegates from the State of Arkansas.

5. *Resolved*, That the delegation of which Guy M. Bryan is chairman are entitled to seats in this Convention from the State of Texas.

6. *Resolved*, That the delegation of which John Tarleton is chairman are entitled to seats in this Convention as delegates from the State of Louisiana.

7. *Resolved*, That the delegation of which L. P. Walker is chairman are entitled to seats in this Convention as delegates from the State of Alabama.

8. *Resolved*, That the delegation of which Henry L. Benning is chairman are entitled to seats in this Convention as delegates from the State of Georgia.

9. *Resolved*, That the delegation from the State of Florida accredited to the Charleston Convention are invited to take seats in this Convention and cast the vote of the State of Florida.

The principles involved in these resolutions and the facts on which they rest are of such gravity and moment that we deem it due to the Convention and to ourselves to set them forth with care and particularity. We differ radically from the majority of the Committee, both in much of the action we recommended to the Convention and the principles which should control such action. It is a question not simply of the integrity, but the existence of the Democratic party in several States of this Union. It is a question whether the Democratic party in said States shall be ostracized and branded as unworthy of affiliation with the national organization.

It is a question whether persons irregularly called, or withdrawing from the regular Convention, shall have the sanction of the National Convention, to raise the flag of rebellion against their respective State organizations. It is a question, whether the Convention itself shall repudiate its own deliberate action at Charleston. We do not magnify the importance of these questions when we assert that upon their proper solution depends the fact as to whether there shall be a National Democratic party or not. The task will not be difficult to show that the action recommended by the majority of the Committee is grossly inconsistent, and should be reprobated and condemned by this Convention. But to the task, without further preamble.

Reserving to the closing portion of this report the cases of contested seats in the Massachusetts and Missouri delegations, we come at once to the cases of the delegates who withdrew from the Charleston Convention. This Convention, on the eve of its adjournment at Charleston, and in the great cause of the restoration of harmony to our distracted party, "respectfully recommended to the Democratic party of the several States to make provisions for supplying all

vacancies in their respective delegations to this Convention when it shall re-assemble." We call particular attention to the wording of the resolution. Certain delegates had withdrawn. They had placed on the Convention the reasons of their withdrawal.

They still however, were the representatives of the Democratic party of their several States. Their withdrawal was not a resignation. It was not so considered by the Convention. The vacancies referred to had reference to the contingency of vacancies *at the time of re-assembling*, and the resolution proposed to provide for supplying them. The Convention did not presume to touch the question as to whether the withdrawal of the delegates constituted a resignation, nor had it any right to interfere in the matter. A resignation must be made to the appointing power, and, to be complete and final, must be accepted by the appointing power. It was well known on the adjournment of the Convention at Charleston that the withdrawing delegates desired the instruction of their several constituencies before deciding on their future course.

Such was the spirit and purpose of their deliberations at Charleston. They consulted their respective constituencies. In every case except the case of South Carolina, their constituencies directed or authorized them—the vacancies being filled as contemplated in the resolution of the Convention to repair to Baltimore, and there in earnest efforts with their brethern of the Convention, to endeavor once more to unite their party, and promote harmony and peace in the great cause of their country. The resolution of the Convention did not prejudice the question, since so strenuously raised, that their withdrawal was a resignation, but left the whole question to the said delegates, and their respective constituencies, to the end that every State of this Union might be represented in Baltimore.

The Committe has passed resolutions, declaring by a vote of 16 to 9, that the delegation from Louisiana, headed by Pierre Soule, by a vote of 14 to 11, that the delegation from Ala. headed by L. E. Parsons, and by a vote of 13 to 10, that half of each delegation claiming seats from Georgia, are entitled to seats in the Convention. The resolutions recommended by the undersigned to the Convention, declare the right of the delegations elected to Charleston, with vacancies supplied, as contemplated in the resolution of the Convention to which reference has been made, and accredited to Baltimore to said seats. The committee which thus recommend the irregular delegates from these three States, have rejected the irregular delegates from Delaware, and admitted the Charleston delegates.

It has admitted irregular delegates from Arkansas, and rejected a portion of the Charleston delegates, as modified, by the filling of vacancies. It has admitted the (Charleston) delegates from Mississippi by a vote of 23 to 2, and the (Charleston) delegates from Texas by a vote of 19 to 6. The fact that delegations are not contested does not establish the right to seats in the Convention. There may be irregular delegates without contest, and there may be a contest between two sets of irregular delegates. The right of persons to seats as delegates is to be determined by the fact as to whether they were appointed by the constituency which they claim to represent and appointed according to the usages of said constituency. Wanting these essential prerequisites, they are not entitled to seats, even if there be no contestants; and having these, their right to seats is not impaired or affected by contestants.

The committee, in deciding by a vote of 23 to 2 that the Charleston delegates from Mississippi are entitled to seats in the Baltimore Convention, have decided rightly, just, because they were duly accredited to Charleston, have never since resigned, and have received instructions from the State of Mississippi, through a Convention called of the Democratic Executive Committee of the State, to return to Baltimore. The Charleston delegates, both from Alabama and Georgia, stand in precisely the same position. They were also duly accredited to Charleston. They withdrew and never resigned. They returned to their respective constituencies. The Executive Committees in these States, as in the case of Mississippi, called a convention of the party. The conventions met. The delegates, as in the case of Mississippi, submitted their action to the conventions, and these conventions approved their course, continued their powers, and accredited them to Baltimore. Their rights stand on precisely the same basis, and are sustained by the same authority as in Mississippi. The contestants were appointed by no body authorized to meet according to the usages of the party in these States, and are not entitled to any consideration whatever.

In the case of Alabama, the Convention assembled on the call of the Democratic Executive Committee (addressed to the *Democracy* of the State,) was very largely attended, nearly every county in the State having been represented. A small number of persons, however, issued a notice, which was published in only three newspapers in the State—in two papers the notice was without signers, and in the third paper (*Mobile Register*) it was signed by John Forsyth and thirty-five others. The notice in

one paper called upon all Democrats *and all other persons*—in the second paper upon Democrats and *all conservatives*, and in the third paper (*Mobile Register*) upon *the people of Alabama*, to hold county meetings and send delegates to a State Convention, to be held in Montgomery or Selma, the 4th day of June, to appoint delegates to Baltimore. Twenty-eight counties only out of fifty-two were represented.

It was the coming together of persons from all parties outside of the regular organization to strike down the Democracy of the State. It was a call without any official authority whatsoever. We thus find the Democracy of the State assembling in Convention according to the usages of the party, and we find, at the same time, persons assembling at the call of unauthorized individuals. In the former case the whole State was represented. In the latter about half of the State. Yet the majority of the committee have endorsed the action of the latter as the action of the Democracy of Alabama, and have repudiated, contrary to all precedent, usage, right and justice, the action of the former; not only this, they have repudiated the principles of their own action in the case of the Mississippi delegation.

But the action of the majority of the committee in the case of Georgia has gone one step further in its disregard of the acknowledged principles of the party. The Convention which the committee put on an equality with the regularly authorized Convention, consisted in great part of persons who just participated in the regular Democratic Convention of the State. The regular called Convention consisted of nearly four hundred delegates, representing nearly all the counties of the State. The resolutions of the Convention having been adopted by a vote of 299 to 41, these latter withdrew from the Convention, and organized anew. Thus the majority of your committee have exalted the pretensions of less than one-eighth of the delegates of the State Convention to an equality with the rights of seven-eighths of the Democracy of the State.

In the case of Louisiana, the old Convention, which originally appointed the delegates to Charleston, was reassembled on the call of the Executive Committee of the State, and by a decisive majority accredited the Charleston delegates to Baltimore. The reasons for this action have their parallels in the cases of Texas and Delaware, which have received the sanction of the committee. In Texas the delegates came back accredited by the Democratic Executive Committee, simply—it being a manifest impossibility, from want of time, to assemble the party in a State Convention, and in Delaware, under the usages and rules of the party, the old Convention was reassembled. In Louisiana there was time to assemble the old Convention, but not to order an election of delegates in the several parishes to meet a new Convention. The Executive Committee did everything it could to get the expression of the views of the State. It reassembled the old Convention, nearly every parish in the State being represented, and accredited the Charleston delegates to Baltimore.

But the Convention, whose delegates to Baltimore have been endorsed by the majority of your committee, was called at the instance of two local organizations, and of Dr. Cottman, a former member of the National Executive Committee of the party. The calls were somewhat conflicting. The notice did not reach many parishes in the State. Only twenty-one parishes out of thirty-nine are pretended to be represented, and in several of these there is no reason to doubt the fact that the delegates did not leave behind them a single constituent agreeing with them in sentiments. In not a single parish was this call responded to by a majority of the Democratic voters. The Convention only represented a very small portion of the party—it was totally irregular, besides.

The majority of the committee object to the action of the old Convention on its reassembling at the call of the Executive Committee, on the ground that it was defunct and could not be brought to life. Yet it endorses the action of the other Convention on the call in part of the equally defunct member of the National Committee, Dr. Cottman. The following the usage of Delaware, by the Executive Committee of Louisiana, though manifestly a necessity for the reasons stated, has no weight as a precedent with this majority. Conceding their ground of its being irregular, seats as delegates should be given to the body called by the regular authority, and not to the body assembled by no responsible authority whatever, and especially when the former represented the great body of the party, and the latter did not. All these considerations, however, have been disregarded by the majority of the committee, who have persisted by a vote of sixteen to nine to award the seats as delegates to the representatives of the disorganizing minority Convention.

In the case of Arkansas, the majority of the committee propose to divide out the seats to all applicants. In this State the Democratic party were about assembling in their district conventions, consisting of delegates from the several counties of the State, for the nomination of members of Congress, when their delegates returned from Charleston. As in Texas, there was not time for

the assembling of a State convention. In these district conventions, delegates were selected to represent the party at Baltimore. A call was, however, issued in a Memphis paper, without any signature whatever, calling upon the people of the northern district to assemble in mass meeting at Madison to elect delegates to Baltimore.

Seme four or five hundred men, from ten to twelve counties, thus assembled and appointed three delegates to Baltimore. The majority of the committee propose to allow these men to vote in the Convention. There are twenty-seven counties and 25,000 voters in the district. Col. Hindman, a delegate elected by the district convention to Baltimore, was elected to Congress in 1858 by 18,000 majority, and was unanimously renominated by the convention which selected him as a delegate to Baltimore. These facts show the significance of the action of the district conventions in electing delegates to Baltimore as representing truly the sentiment of a Democratic party of the district, and they exhibit the utter insignificance of the anonymously called convention; for it will be borne in mind that it was held at the central point, at the western terminus of the railroad from Memphis, and where several stage and wagon routes meet. They were elected as delegates generally from the State to the National convention with the hope that they might get in without any definite claim.

In Massachusetts and Missouri the contests are between principals now holding their seats and substitutes who held their places at Charleston. In each case the principal was detained at home by sickness in his family. In each case the principal gave notice to his substitute that he should take his seat at Baltimore, The majority of the committee hold that the principals, elected as such by the proper conventions, are not entitled to their seats, and have reported accordingly. We hold that a substitute is appointed simply to act in the absence of the principal, and that his authority ceases whenever the principal makes his appearance and takes his seat. We emphatically declare that such has been the invariable usage in all conventions of the party, whether National or State, and that it is based on reason and the representative principle.

All of which is respectfully submitted.

ISAAC I. STEVENS, Oregon,
A. R. SPEER, New Jersey,
H. M. NORTH, Pennsylvania,
JOHN H. BEWLEY, Delaware,
E. W. HUBBARD, Virginia,
R. R. BRIDGERS, North Carolina,
WILLIAM H. CARROLL, Tennessee,
GEORGE H. MORROW, Kentucky,
D. S. GREGORY, California.

In the points of difference between the majority and minority reports of the committee on Credentials, I concur in the conclusions of the minority report in the cases of Georgia, Alabama, Missouri and Massachusetts.

AARON V. HUGHES, New Hampshire.

Portions of the report were received with warm applause.

MR. STEVENS—This report is signed by the delegates from Oregon, from New Jersey, from Pennsylvania, from Delaware, from New York, from North Carolina, from Tennessee, from Kentucky, and from California, and I am requested by the delegate from Tennessee to state that he dissents from a portion of the conclusions of the committee, but votes under the instructions of his delegation. I am also requested by the delegate from New Hampshire to say, that, in the points of difference between the majority and the minority reports, he agrees with the conclusions of the minority in the cases of Georgia and Alabama.

Mr. President, before I take my seat, I will move that the series of resolutions which I introduced be substituted for the resolutions reported by the gentleman from Missouri.

During the reading of one portion of his remarks, the gentlemen called the attention of the convention to the fact, that the majority agreed with the minority in relation to the States of Mississippi and Florida, but it would be found that, in reference to other States, they disagreed very materially.

Before taking his seat, the gentleman announced that he was instructed to say, that the delegates from Tennessee and New Hampshire differed somewhat with the minority in some clauses of their report, but were instructed to vote with the minority. He would, therefore, move that the series of resolutions which he had offered might be considered a substitute for the resolutions contained in the report of the majority.

Gov. STEVENS—I do not desire to make a speech to this convention. I am content for the most part to rest here the views and the report of the minority of the committee on Credentials, which they have presented to the convention. That report rests immovably on the unanimous action of that entire committee as regards Delaware, Texas and Mississippi. Those three cases involve every and all the principles which the minority of the committee have adopted. My friend from Pennsylvania has well put the case of those three States. I need add nothing further, and I now move the previous question. [Applause.]

HON. CALEB CUSHING,
President of the Convention—

The undersigned begs leave to state to the Convention through you, that the majority of this Convention, while composed of only twenty-two States fully represented, and three others partially represented, leaving seven States without a voice in the Convention, has voted to reject the regular Democratic delegations from the sovereign States of Alabama and Louisiana, to admit to seats in this Convention as members thereof pretended delegates from Arkansas, who were never chosen nor accredited to this Convention by the Democracy of that State, and to reject one of the regular delegates from the Fifth Congressional District in Massachusetts, and the Eighth Congressional District in Missouri; thus disregarding all the established usages of the Democratic party, violating every principle of justice and fairness, and destroying the equality of the States in their right to select their own delegates to represent them in their National Conventions.

Since the Convention has by this extraordinary proceeding, suppressed the votes of the Democracy of a large portion of the most reliable and certain Democratic States, in view of what they regarded as an intolerable wrong, twelve other States have either withdrawn or refused to longer participate in the proceedings of the Convention.

While the undersigned deplores the necessity which impels him to the step he is about to take, he cannot refrain from saying that it is useless to attempt to disguise the fact that this body can no longer be considered a National Convention of the Democratic party. Nearly two-thirds of the thirty-three States of the Union are now unrepresented by the regular authorized delegates of those States.

The undersigned attended this Convention with a determination to abide the choice of the National Democracy, when made according to the established rules of our National Conventions, and in this determination he believes he represents the Democracy of his State. But since this Convention has ceased to maintain its national character, the undersigned cannot resist the conviction that it is no longer the Convention to which he was accredited as a delegate. In view of the foregoing facts, as a member of the Kentucky delegation, the undersigned feels constrained to decline a further participation in the proceedings of this so-called Democratic National Convention, intending by that movement to do nothing more than to protest against committing either himself or his constituents for or against its unprecedented, unjust, and wrongful proceedings.

JAMES G. LEACH.

June 23, 1860.

DEMOCRATIC NATIONAL EX. COMMITTEE.

The following-named gentlemen compose this Committee:
HON. I. I. STEVENS, of Oregon, CHAIRMAN.
HON. R. W. JOHNSON, of Arkansas.
HON. JEFFERSON DAVIS, of Mississippi.
HON. JESSE D. BRIGHT, of Indiana.
HON. THOMAS B. FLORENCE, of Pennsylvania.
HON. GEO. W. HUGHES, of Maryland.
HON. JOHN W. STEVENSON, of Kentucky.
HON. JOHN R. THOMSON, of New Jersey.
HON. A. B. MEEK, of Alabama.
AUGUSTUS SCHELL, ESQ., of New York.
ISAAC H. WRIGHT, ESQ., of Massachusetts.
HON. JAMES G. BERRET, of Washington, D. C.
WM. FLINN, ESQ., of Washington, D. C.
WALTER LENOX, ESQ, of Washington D. C.
M. W. CLUSKEY, Washington, D. C., RESIDENT SECRETARY.
GEO. W. RIGGS, Washington, D. C., TREASURER.

All communications should be addressed to HON. ISAAC I. STEVENS, CHAIRMAN, Washington, D. C. Rooms of the Committee at No 28, 4½ street.

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